

September 4, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building
810 Third Avenue
Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2187**
Proposed Ordinance No. 96-650

PETITION FOR ROAD VACATION

Road: The west half of the alley abutting
Lot 1, King County Short Plat
1079096, recording No. 8002220859,
re-recorded under No. 9406031595

Petitioner(s): **Alan M. and Kathleen L. Bracy**

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2187 was received by the Examiner on August 15, 1996.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2187 was opened by the Examiner at 1:30 p.m., Thursday, August 29, 1996, in Room No. 230, Central Building, 810 Third Avenue, Seattle, Washington, and closed at 2:37 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location: Alley located within block 1

	of Evergreen Heights Addition
Right of way classification:	Class C
Area:	432 sq. feet
Compensation:	\$1,352.16

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the August 29, 1996, public hearing and the statement of facts contained in Proposed Ordinance No. 96-650, June 11, 1996, draft. The report will be attached to those copies of this report and recommendation which are submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are attached to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. King County has not developed and has not maintained the alley in question. Due to topography, the alley is not passable north of the subject right-of-way segment. Testimony, Gorley. Although the police recently pursued someone northward through the alley right-of-way to Southwest 100th Street, no one uses the northernmost segment of the alley for pedestrian access on a routine basis. Testimony, Hostetler. Consequently, the Department of Transportation indicates that, although it recommends approval of this petition (and would probably look favorably on petitions for right-of-way located north of this petitioner's property), no alley right-of-way vacation petition should be granted south of this one.
6. No utility easements are required except for Southwest Suburban Sewer and Water District, which has indicated to the Department of Transportation that it has obtained the necessary easement from the petitioner.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the general public will not be harmed by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 96-650 to vacate the subject road.

RECOMMENDED this 4th day of September, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 4th day of September, 1996, to the following parties and interested persons:

Alan M./Kathleen L. Bracy	Kenneth A. Hostetler
Sam Dolloff	Tony Wyatt

Steven Hagan, Seattle City Light	
Jerry Harris, Water District #45	
Joseph Jainga, Washington Natural Gas	
Christine Price, U.S. West	
Southeast Suburban Sewer District	
Larry R. Underdahl, METRO, Environmental Planning and Real Estate	
Charlie Sundberg, Historic Preservation	
Tommy Burdette, KCDOT, Roads	Dennis Gorley, KCDOT, Roads
Sharon Clausen, KC Parks	Tom Eksten, KC Parks
Bill Hoffman, KCDOT	Jesse Krail, KCDOT
Rod Matsuno, KCDOT	Lloyd Neal, KCDOT
Lisa Pringle, DDES/LUSD	Dave Preughschat, PSD
Lydia Reynolds, KCDOT	Gary Samek, KCDOT
Paul Toliver, KCDOT	

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before September 18, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before September 25, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE AUGUST 29, 1996 PUBLIC HEARING ON KING COUNTY
DEPARTMENT OF TRANSPORTATION, ROAD SERVICES DIVISION, FILE
NO. V-2187, ALAN M. & KATHLEEN L. BRACY/ROAD VACATION
APPLICATION:

R. S. Titus was the hearing Examiner in this matter. Participating in the hearing were Dennis Gorley/Department of Transportation/Road Services Division, Alan M. Bracy, Kathleen L. Bracy, Kenneth A. Hostetler, Sam Dolloff, and Tony Wyatt.

The following exhibits were offered and entered into the record on August 29, 1996:

- Exhibit No. 1 Transmittal letter, dated October 20, 1994, to the Road Services Division, King County Department of Transportation (formerly Department of Public Works), from Clerk of the King County Metropolitan Council
- Exhibit No. 2 Letter, dated October 5, 1994, to the Road Services Division, King County Department of Transportation, from Petitioners Alan and Kathy Bracy
- Exhibit No. 3 Copy of Petition for Vacation of a County Road, signed by Alan M. Bracy and Kathleen L. Bracy
- Exhibit No. 4 Copy of deposit check, dated October 15, 1994, from Kathleen Bracy, to King County Department of Public Works, in the amount of \$100.00
- Exhibit No. 5 Map depicting proposed road vacation area (Stewart Title Company of Washington, Inc.)
- Exhibit No. 6 Map of vicinity of proposed road vacation area
- Exhibit No. 7 Copy of King County Short Plat No. 1079096, recording No. 8002220859
- Exhibit No. 8 Copy of re-recorded King County Short Plat No. 1079096, recording No. 9406031595
- Exhibit No. 9 Road vacation response form, dated January 27, 1995, signed by Stephen Hagan, Seattle City Light, Real Estate Services Manager
- Exhibit No. 10A Response letter, dated October 18, 1995, from Tom Ling, Public Improvement/Northern Region, Washington Natural Gas, to the King County Department of Transportation
- Exhibit No. 10B Response letter, dated November 2, 1995, from Joseph Jainga, Municipal Construction Planner, Washington Natural Gas, to the King County Department of Transportation
- Exhibit No. 11 Road vacation response form, dated June 10, 1996, signed by Christine Price, U.S. West Communications
- Exhibit No. 12A Response letter, dated January 23, 1995, from Jodie Schy, Inspector, Southwest Suburban Sewer District, to the King County Department of Transportation
- Exhibit No. 12B Response letter, dated February 13, 1995, from Jodie Schy, Inspector, Southwest Suburban Sewer District, to the King County Department of Transportation
- Exhibit No. 13 Road vacation response form, dated November 6, 1995, signed by Jerry Harris, Water District No. 45
- Exhibit No. 14 Response letter, dated January 23, 1995, from Larry Underdahl, Real Property Agent/METRO, to the King County Department of Transportation
- Exhibit No. 15 Response memorandum, dated February 8, 1995, from Lisa Pringle, Department of Development and Environmental Services/Land Use Services Division,

- Site Plan Review Section, to the King County Department of Transportation
- Exhibit No. 16 Road vacation response form, dated January 23, 1995, signed by Mike Wilkins, King County Property Services Division
- Exhibit No. 17 Response memorandum, dated April 13, 1995, from Gary Samek, Supervising Engineer, Traffic Engineering Section, Department of Public Works, to the King County Department of Transportation (formerly Department of Public Works)
- Exhibit No. 18A Facsimile cover page, dated June 12, 1996, for Exhibit No. 18B, below:
- Exhibit No. 18B Response memorandum, dated December 18, 1995, from Aileen McManus, Engineer, Traffic Engineering Section, Department of Public Works, to the King County Department of Transportation (formerly Department of Public Works)
- Exhibit No. 19 Response memorandum, dated November 8, 1995, from Bill Hoffman, Manager, Transportation Planning Section, Department of Public Works, to the King County Department of Transportation (formerly Department of Public Works)
- Exhibit No. 20 Road vacation response form, dated March 28, 1995, signed by the Roads Maintenance Division
- Exhibit No. 21 Road vacation response form, dated January 23, 1995, signed by Glenn Kost, King County Parks Division
- Exhibit No. 22 Road vacation response form, dated January 25, 1995, signed by the King County Office of Open Space
- Exhibit No. 23 Road vacation response form, dated November 2, 1995, signed by the King County Historical Preservations Office
- Exhibit No. 24 Letter, dated January 26, 1995, to Alan and Kathleen Bracy, the petitioners, from Peter Ringen, Roads and Engineering Division, King County Department of Transportation (formerly Department of Public Works), re: revised legal description
- Exhibit No. 25 Letter, dated February 22, 1996, to Clerk of the King County Council, from Jesse Krail and Paul Toliver, King County Department of Transportation
- Exhibit No. 26 Letter, dated March 15, 1996, to Alan and Kathleen Bracy, from Jesse Krail, County Road Engineer, King County Department of Transportation
- Exhibit No. 27 King County Road Vacation worksheet, dated February 5, 1996, re: file No. V-2187
- Exhibit No. 28 Letter, dated April 29, 1996, to King County Department of Transportation, Road Services Division, from Alan and Kathleen Bracy, re: transmittal of funds (copy of receipt and copy of check dated April 29, 1996, in the amount of \$452.16 attached)
- Exhibit No. 29 Letter, dated April 29, 1996/May 18, 1996, to King County Department of Transportation, Road Services Division, from Alan and Kathleen Bracy, re: transmittal of funds (copy of receipt and copy of check dated May 16, 1996, in the amount of \$450.00 attached)
- Exhibit No. 30 Letter, dated April 29, 1996/May 18, 1996/June 4, 1996, to King County Department of Transportation, Road Services Division, from Alan and Kathleen Bracy, re: transmittal of funds (copy of receipt and copy of check dated June 4, 1996, in the amount of \$450.00 attached)
- Exhibit No. 31 Letter, dated July 12, 1996, to King County Council Chair Jane Hague, from King County Executive Gary Locke, re: proposed Ordinance No. 96-650

- Exhibit No. 32 Copy of proposed Ordinance No 96-650
- Exhibit No. 33 Notice of Hearing re: proposed Ordinance
No. 96-650, Road Vacation file No. 2187
- Exhibit No. 34 Affidavit of posting of Exhibit No. 33, on
August 5, 1996, subscribed and sworn on August 6,
1996
- Exhibit No. 35 King County Department of Transportation, Roads
Services Division report to the Hearing Examiner,
prepared for the public hearing held on August 29,
1996 re: Road Vacation file No. V-2187
- Exhibit No. 36 Three photographs of proposed vacation area, taken
by Tony Wyatt on August 29, 1996, and submitted by
Mr. Wyatt on the same date
- Exhibit No. 37 Two photographs of proposed vacation area, taken
by Tony Wyatt on August 29, 1996, and submitted by
Mr. Wyatt on the same date

RST:var
attachment

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